

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

ePLUS, INC. : Civil Action No.
vs. : 3:09CV620
LAWSON SOFTWARE, INC. : September 27, 2010

COMPLETE TRANSCRIPT OF THE FINAL PRETRIAL CONFERENCE
BEFORE THE HONORABLE ROBERT E. PAYNE
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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Volume I of II

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United States District Court

P R O C E E D I N G S

THE CLERK: Civil action number 3:09CV00620, ePlus, Incorporated versus Lawson Software, Incorporated. Mr. Scott L. Robertson, Mr. Craig T. Merritt, Jennifer A. Albert, and Mr. Michael Strapp represent the plaintiff. Mr. Daniel W. McDonald, Mr. Robert Angle, Mr. Dabney J. Carr, IV, and Ms. Kristen Stoll-DeBell represent the defendant. Are counsel ready to proceed?

MR. ROBERTSON: Yes, Your Honor.

MR. McDONALD: Your Honor, I'm not sure if Mr. Schultz was mentioned. He's a new person on our team here that hasn't been in court. May I introduce Mr. Schultz of Merchant and Gould.

THE COURT: Sure. Glad to have you. I started practicing law in 1967. 18 years ago I took this job. I've been through a lot of cases and a lot of litigation. I've never seen anything like this. It is the most remarkable exercise of a lack of discipline that I have seen ever in my whole time on the bench.

How many exhibits does the plaintiff have?

MR. ROBERTSON: We have a little over 300, Your Honor.

THE COURT: 100. That's all you get. You're through. I told you. Where do you think you can do this?

1 Where do you get by with this kind of stuff? How many do you
2 have?

3 MS. STOLL-DeBELL: We have 89, Your Honor. 76 are
4 stipulated.

5 THE COURT: 89. Is that not enough? Why do you need
6 300 exhibits to do anything with?

7 MR. ROBERTSON: We are the plaintiff, Your Honor. We
8 do have the burden of proof, and there's a lot of documentation
9 necessary to the infringement case.

10 THE COURT: I've never seen an infringement case that
11 takes documents of that volume ever. I'm going to start taking
12 a look at them, and you're going to probably end up having it
13 just curtailed to some arbitrary number because you can't
14 control yourself.

15 Get the first volumes of books and put them up here,
16 please. You all come up here and do it so Mr. Neal doesn't
17 have to do it.

18 THE CLERK: I don't mind.

19 THE COURT: Give me the first in order, a number of
20 them that can fit here.

21 MR. ROBERTSON: Your Honor, if I can make a
22 suggestion for the convenience of the Court, and that is, Mr.
23 McDonald and I have talked about this, at your suggestion at
24 the last hearing, perhaps grouping some of these exhibits
25 together that make logical sense that pertain to certain